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Date: January 9, 2004

To:	Chester T. Barry	From:	Margaret A. Kivinski
Company:	USPTO	Sender's Phone:	(949) 225-6515
Fax No.:	(571) 273-1152	RE:	Application No. 09/632,530
Recipient's Phone:	(571) 272-1152	Pages to Follow:	2

● Comments:

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PTO/SB/00 (08-03)

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# Request for Continued Examination (RCE) Transmittal

Address to:  
Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Application Number	09/632,550
Filing Date	August 4, 2000
First Named Inventor	James Richard Spears
Art Unit	1724
Examiner Name	Barry, Chester T.
Attorney Docket Number	PA074-US

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. ☒ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
- ii. ☒ Other Response to the 5/21/03 Final Office Action filed 8/21/03.
- b. ☐ Enclosed
- i. ☐ Amendment/Reply
- iii. ☐ Information Disclosure Statement (IDS)
- ii. ☐ Affidavit(s) Declaration(s)
- iv. ☐ Other \_\_\_\_\_

## 2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other \_\_\_\_\_

## 3. Fees

- The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed. The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 50,1769
- a. ☒ RCE fee required under 37 CFR 1.17(e)
- ii. ☒ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☐ Other \_\_\_\_\_
- b. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

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### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Margaret A. Kivinski, Esq.	Registration No. (Attorney/Agent)	38,517
Signature	<i>Margaret A. Kivinski</i>	Date	September 22, 2003

### CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type)	Tamara J. McGovern	Date	September 22, 2003
Signature	<i>Tamara J. McGovern</i>		

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/33 (Rev. 05/03)

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 Under the Trademark Request Act of 1996, no separate fee is required to request a collection of information to be added to a trademark or service mark.

**Request  
Continued Examination (RCE)  
Transmittal**

Address to:  
Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Applicant Number	06032530
Filing Date	August 4, 2000
First Named Inventor	James Richard Soars
Art Unit	1724
Examiner Name	Betty, Chester T.
Attorney/Agent Number	PA074-US

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) is available under 37 CFR 1.114. Such fee applies to any utility patent application filed prior to June 8, 1995, or to any design application, the inventor of which is the inventor of the RCE. (See 37 CFR 1.114(c)(1)).

1. **Submissions required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unexamined amendments and amendments entered with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unexamined amendment(s) entered, applicant must request non-entry of such amendment(s).

a. ☒ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

b. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on

c. ☒ Other Responses to the SO/PO Final Office Action filed 8/21/03.

d. ☐ Enclosed

e. ☐ Amendment/Reply

f. ☐ Affidavit(s)/Declaration(s)

g. ☐ Information Disclosure Statement (IDS)

h. ☐ Other

2. **Miscellaneous**

a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months per under 37 CFR 1.170) required)

b. ☐ Other

3. **Fees** The RCE fee under 37 CFR 1.17(a) is required by 37 CFR 1.114 when the RCE is filed.

a. ☒ The RCE fee under 37 CFR 1.17(a) is required by 37 CFR 1.114 when the RCE is filed.

b. ☐ RCE fee required under 37 CFR 1.17(a)

c. ☒ Extension of time fee (37 CFR 1.130 and 1.17)

d. ☐ Other

e. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed

f. ☐ Payment by credit card (Form PTO-2030 enclosed)

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2030.**

**Signature of Applicant, Inventor, or Attorney/Agent**

Name (Print/Type) \_\_\_\_\_ Registered No. (Mandatory) \_\_\_\_\_ Date \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this communication is being transmitted to the United States Patent and Trademark Office on this date, and in accordance with the provisions of 37 CFR 1.114. I am the inventor, the attorney/agent, or the Commissioner for Patents. P.O. Box 1450, Alexandria, VA 22313-1450.

Name (Print/Type) \_\_\_\_\_ Date \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

This communication is being transmitted to the United States Patent and Trademark Office on this date, and in accordance with the provisions of 37 CFR 1.114. I am the inventor, the attorney/agent, or the Commissioner for Patents. P.O. Box 1450, Alexandria, VA 22313-1450.

Name (Print/Type) \_\_\_\_\_ Date \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

This communication is being transmitted to the United States Patent and Trademark Office on this date, and in accordance with the provisions of 37 CFR 1.114. I am the inventor, the attorney/agent, or the Commissioner for Patents. P.O. Box 1450, Alexandria, VA 22313-1450.

Name (Print/Type) \_\_\_\_\_ Date \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_